



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET, SW  
ATLANTA, GEORGIA 30303-3104

December 11, 2020

Mr. S. Daniel Smith  
Director  
Division of Water Resources  
NC Department of Environmental Quality  
512 North Salisbury Street  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

Dear Mr. Smith:

The purpose of this letter is to approve North Carolina's designated use revision, submitted electronically to the U.S. Environmental Protection Agency on November 30, 2020. In your letter written to Regional Administrator Mary S. Walker, you submitted a revision which modified the use designation for the Sandy Bottom Wetlands from Class Wetland (WL) to Class Unique Wetland (UWL). The UWL classification is a state designation reserved for wetlands of "exceptional state or national ecological significance, which require special protection to maintain existing uses. These wetlands may include wetlands that have been documented to the satisfaction of the Commission as habitat essential for the conservation of state or federally listed threatened or endangered species." In making this revision, North Carolina has provided additional protection to the subject waters for these purposes.

A certification letter from the Senior Deputy Attorney General dated November 24, 2020, was included in the submission from North Carolina and concludes that the revision was duly adopted pursuant to state law and is valid and enforceable in the state of North Carolina. In accordance with 40 C.F.R. section 131.21(c), new and revised state and tribal water quality standards are not effective for Clean Water Act (CWA) purposes until approved by the EPA. The EPA has concluded the revision is consistent with the goals of section 101(a) of the CWA and the implementing regulations at 40 C.F.R. Part 131. In accordance with section 303(c) of the CWA and 40 C.F.R. part 131, and as laid out in the enclosed decision document, the EPA is approving this revision.

In addition to the EPA's review pursuant to section 303(c) of the CWA, section 7(a)(2) of the Endangered Species Act (ESA) requires federal agencies, in consultation with the U.S. Fish and Wildlife Service (USFWS), to ensure that their actions are not likely to jeopardize the continued existence of federally listed species or result in the destruction or adverse modification of designated critical habitat of such species. Regarding consultation activities for section 7 of the ESA, the EPA Region 4 concluded the revision provides additional measures for the protection and maintenance of the existing and designated use of UWL. Therefore, EPA determined the revision may affect, but was not likely to adversely affect the threatened and endangered species present in the wetlands. A letter reflecting that conclusion and requesting concurrence with the EPA's conclusion were sent to the Asheville Ecological Services Field Office on November 6, 2020. The USFWS concurred by letter dated December 1, 2020.

North Carolina is to be commended for their adoption of the UWL supplemental classification. By adding the UWL classification to Sandy Bottom Wetlands, North Carolina is ensuring that additional protections are in place for this waterbody, and the EPA would like to specifically thank the state staff for their efforts to finalize this important classification. If you have any questions, please feel free to contact me at (404) 562-9345 or have a member of your staff contact Lauren Petter at (404) 562-9272 or [petter.lauren@epa.gov](mailto:petter.lauren@epa.gov).

Sincerely,

JEANEANNE  
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Jeaneanne M. Gettle, Director  
Water Division

Enclosure